

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION



By James Burrell at 1:07 pm, Mar 05, 2018

UNITED STATES OF AMERICA,)	
)	
v.)	CR417-195
)	
DARYL JACKSON)	

REPORT AND RECOMMENDATION

The Court ordered a forensic psychological examination of defendant Daryl Jackson in accordance with 18 U.S.C. § 4241(a) and (b) to assess both his mental competency for trial and his criminal responsibility for the charged offense. Doc. 19. He has since had a comprehensive psychological evaluation at the Federal Correctional Institution in Butner, North Carolina. Doc. 23. His evaluators found that he is competent to stand trial and that he was sane at the time of the offense. *Id.* at 18-21. Based on that evaluation's findings, defendant moves to withdraw his Notice of Insanity Defense. Doc. 25. That motion is **GRANTED**.

On February 28, 2018 the Court held a hearing to determine whether defendant disputed the evaluator's findings. Defense counsel

stated that he did not. The Court, therefore, concurs with the report's un rebutted findings and concludes that Jackson is not presently suffering from a mental disease or defect rendering him mentally incompetent to stand trial. It is therefore **RECOMMENDED** that defendant be found competent to stand trial pursuant to 18 U.S.C. § 4241.

This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of

rights on appeal. 11th Cir. R. 3-1; see *Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 5th day of March, 2018.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA